



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

June 15, 2000

David Croxton
U.S. Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, Washington 98101

Re: Biological Opinion for Asarco Shoreline Stabilization and Protection projects (WSB-99-170)

Dear Mr. Croxton:

This document transmits the National Marine Fisheries Service's (NMFS) biological opinion (BO) based on our review of the proposed Asarco Shoreline Stabilization and Protection project in Commencement Bay, Tacoma, Washington, its effects on Puget Sound chinook (*Oncorhynchus tshawytscha*), and its critical habitat in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq). The U.S. Environmental Protection Agency (EPA) determined that the proposed project may affect, and is not likely to adversely affect Puget Sound chinook. The NMFS did not concur with the EPA's determination. Formal consultation was initiated on May 24, 2000.

On February 22, 2000 we received a letter from your office requesting an expedited review of the project documents by April 3, 2000, because of the urgent need to start the project by June 26, 2000. By law, the NMFS has up to 135 days to complete a formal consultation after we have received adequate information for the review. Expedited preparation of a BO is an unusual circumstance which is permitted only under extenuating circumstances.

This BO is based on information provided in the biological assessment dated February 16, 2000, and additional information provided on May 24, 2000. A complete administrative record of this consultation is on file at the Washington Habitat Branch Office.

The enclosed document represents NMFS' BO on the effects of the action on Puget Sound chinook and its critical habitat in accordance with section 7 of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et seq).

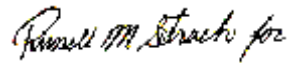
NMFS concludes that implementation of the proposed project is not likely to jeopardize the continued



existence of Puget Sound chinook nor adversely modify critical habitat. The proposed project is likely to adversely affect Puget Sound chinook. Please note the incidental take statement, which includes reasonable and prudent measures and terms and conditions to minimize take.

If you have any questions, please contact Rachel Friedman of the Washington State Habitat Branch Office at (360) 753-4063.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell M. Strach for".

William W. Stelle, Jr.
Regional Administrator

Enclosure

cc: Kevin Rochlin, EPA, Region X